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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,317

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Bernard Claveau

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27557

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04/06/2009

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EXAMINER

AHMED, SHAMIM

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,317	<b>Applicant(s)</b> CLAVEAU, BERNARD	
	<b>Examiner</b> Shamim Ahmed	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 as to the point that Sunthankar is not combinable with the Japanese reference (see argument pages 5-6) have been considered but are moot in view of the new ground(s) of rejection.
2. As to the argument regards to the Japanese reference, such that Japanese reference can be used to coat an extrusion of limited length but does not teach the present invention of "no limit" on the length. In response to the argument, examiner states that applicant is arguing a preamble limitation, which is not given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. See also, *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).
3. Additionally, the claimed limitation of "no limit" on the length of the extruded bars could be any size of length and the Japanese reference teaches the limitation.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (3,600,918).

Lemelson discloses a process and device for coating or applying a film (15) on a extruded bar (16), wherein the substrate bar is pressurized to move in a direction on a die (12) and the substrate to be coated is heated (col.2, lines 38-49).

Lemelson teaches the coating film or layers comprises decorative effects (col.7, lines 23-32) and the film or layers provided on a coil supply (col.7, lines 40-45 and col.8, lines 1-10 and lines 66-col.9, lines 7), which teaching reads on the claimed limitation of "applying a decorated film on extruded bars -- through a matrix and die, which are heated and supported by a base plate".

Lemelson teaches that the entire fixture assembly includes a base plate (col.3, lines 36-42) and the coated extruded base is subjected to cool down by heat transfer fluid including a plurality jets of clued coolant are ejected against the surface of the coated extrusion as it leaves the die (col.3, lines 72-col.4, lines 1-8).

As to claim 5, Lemelson teaches that the vibration is performed with a vibrating means including piezoelectric transducer may comprise electromagnetic, etc. (col.10, lines 38-56 and col.11, lines 22-48) for facilitating passage of the extrusion and also for improving or enhancing the bond between extruded materials (col.11, lines 49-55).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-16645 (Japanese reference, herein after) in view of Lemelson (3,600,918).

The Japanese reference discloses a process and device for coating or applying a film on a extruded bar (17), wherein the substrate bar is pressurized to move in a direction on a die (13) and the substrate to be coated is heated and cooled (see the abstract page and figure 1), which teaching reads on the claimed limitation of "applying a decorated film on extruded bars -- through a matrix and die, which are heated and supported by a base plate"

Unlike the instant invention, the Japanese reference fails to teach the supporting plate is vibrated.

However, Lemelson teaches above and also teaches that the vibration is performed with a vibrating means including piezoelectric transducer may comprise electromagnetic, etc. (col.10, lines 38-56 and col.11, lines 22-48) for facilitating passage of the extrusion and also for improving or enhancing the bond between extruded materials (col.11, lines 49-55).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to employ Lemelson's teaching into the teaching of the Japanese reference for improving bond between the extruded materials as well facilitating the passage the extrusion as suggested by Lemelson.

As to claim 3, the Japanese reference teaches cooling the extruded bar by spraying the bar with water (cooling liquid) (see the abstract and the figure 1).

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As to claim 6-9, the structural limitation of the cone shaped die would have been obvious design choice as to one of ordinary skilled in the art.

As to claim 10, Lemelson teaches the device is capable of coating or forming marks comprises small irregular circuit patterns that are highly decorative (col.8, lines 1-12).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zoller (4,090,906) illustrate a process of making decorative strips.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on Tu-Fri (6:00-2:30) Every Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shamim Ahmed  
Primary Examiner  
Art Unit 1792

SA  
March 31, 2009

/Shamim Ahmed/  
Primary Examiner, Art Unit 1792